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ENFORCEMENT OF CHILD LABOR LAWS IN NEW HAMPSHIRE

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The New Hampshire child labor law, in its inception, was an educational rather than a labor measure. In the nineties our people woke up to the fact that the percentage of illiteracy had greatly increased in the state during the preceding thirty years. Their attention centered upon this fact; they at once saw that one of the important causes was the employment of children who ought to be in school. It is doubtful if the child labor phase of the situation, as such, was first in the mind of any one, either in the legislature or outside. Their first thought was: these children must be in school; and, second, young children, moreover, ought not to be exploited for industrial purposes.

The law enacted in 1901 in substance provides that no child under the age of twelve years shall be employed in any manufacturing establishment or in any mechanical, mercantile or other employment; that no child under the age of fourteen shall be so employed while the public schools are in session; that no child under the age of sixteen shall be so employed unless he can produce a certificate from the local superintendent of schools certifying his ability to read and write legibly simple sentences in the English language, accompanied by an affidavit sworn before that officer that the child is of the age represented; and, further, no minor may be employed who cannot read and write legibly simple sentences in English unless he attends an evening or other school in which such branches are taught. The law gives the state superintendent of schools joint authority with the local school boards in enforcing the law, and authorizes him to employ deputies for that purpose.

Educational Test

The distinctive feature of the law is its educational test, both because its enforcement rests upon an educational test primarily, and because the certificate of educational fitness is left by law in the

board, or other local authority, can take away this authority from their superintendent and bestow it upon some other person. An exception to this rule is found in the city of Manchester, in which the statute specifically authorizes the city truant officer to issue age and literacy certificates, but his office is at the school department, and his work is under the oversight of the local superintendent of schools.

The essentially valuable part of this feature of the law is in the fact that every certifying officer is a professional schoolman. His sympathies are decidedly on the side of the children, and his professional interests and reputation are intimately bound up with the proper performance of this part of his duties. Each superintendent is furnished from time to time with standard tests by the state education department. He is expected to interpret "ability to read" in the sense of ability to get the thought from the printed page. Naturally the interpretation of intelligent reading varies somewhat, but it undoubtedly does not vary so much as would be the case with men whose whole lives were not intimately related to educational work. The extent to which local superintendents apply for advice and instruction in interpreting this part of the law and its application to specific cases is evidence of good intention. To illustrate: A few weeks ago a man appeared in my office and stated that he wished a certificate to permit the boy who accompanied him to go to work. The boy was undoubtedly of legal age, and I referred him to the city superintendent. He replied that the city superintendent had refused to grant a certificate. Upon inquiry the latter reported his reason for refusing was that the boy could not read in the sense of understanding what he read, but that he would issue a certificate if I so instructed him. I gave the lad a simple newspaper selection to read, which he did with apparent fluency; but he was utterly unable in that case, or in several subsequent cases, to tell me what he had read. The city superintendent had very properly refused him a certificate. He received none and went back to school.

In one of our mill towns the local school board is at this time maintaining a special school for children fourteen years of age and upward who have not learned to read in the proper sense of the term, and they are not granted certificates until they have learned to read intelligently.

These two illustrations are fairly typical of the attitude of our school authorities.

Inspection by the School Department

The state education department's relation to the law is that of concurrent jurisdiction with the local officials. Local school boards are expected to enforce the law through local truant officers. Prior to 1905 there was no regular and systematic inspection by the state education department; there has been such since. The inspector is required to report daily to headquarters, on cards furnished for that purpose, the number of children of different classes found by him. He is also expected to follow up violations of the law, report to the department when they are corrected, apply the literacy test in all suspected cases, and work up evidence for prosecution. During the last few months the department has been able to employ its own prosecuting attorneys to good effect.

The state has no accurate data available to show the number of children employed in our manufacturing establishments prior to the enactment of the existing law. We know that immediately after its enactment there was a great influx of children into the public schools, so much so that it became necessary to increase school accommodations in nearly all our manufacturing towns. I recall one town particularly, of less than 3,000 inhabitants, in which it became necessary to build an entirely new grammar school to accommodate the children who came out of the cotton mills. On our first tour of inspection in 1905, 75 per cent. of the children employed were found to be properly certificated; in 1906 this percentage rose to 92 per cent.; in 1908 to 96 per cent.

A considerable number of children annually are illegally employed and escape detection. From the information which the department has been able to secure we feel pretty confident that in the state at large the percentage of these children is well within 10 per cent., and we propose to keep on whittling that down.

Industrially, our problem is almost entirely with textile manufacturers, and chiefly with the cotton industry. About one-third of our people live in towns whose chief industrial basis is textile work. In dealing with the situation in these towns, both state and local authorities have accomplished vastly more by what might be called a campaign of education among employers than by prosecution. Of late we have been prosecuting more, chiefly because we are getting down to the residue who are largely beyond persuasion. A great majority of the overseers in our mills are disposed to obey

the law, and infringements are more often inadvertent and careless, or technical, than wilful and real. There are, however, not a few exceptions, and with the incoming of south European labor there is probably some tendency for the padrone system to connect itself with the cupidity and grafting proclivities of some overseers. The attitude of the majority of employers is typified by a case reported for advice this week, in which the manufacturer for his own protection refused to admit a minor evidently well past the age of sixteen unless accompanied by a regular certificate of the local superintendent of schools.

Demonstrated Needs

Our experience has amply justified the following conclusions:

I. Local inspection is inadequate. The influence of evil-inclined employers is too apt to prove paralyzing. There ought to be local inspection, backed by state inspection and state control. State control, dependent upon judicial procedure, can never be efficient. For somewhat different reasons and in a somewhat different manner there ought to be a working federal control and standard laws and methods of procedure which the federal government can manage better than any state. It is essential that there should be substantial uniformity in legislation and enforcement. The character of the laws and their enforcement in the different states have a very important mutual relation. Thorough investigation by the federal government and comparative studies based upon the same oftener than once in ten years would have a very important standardizing effect, and, better still, would give a reliable means of checking up results in each state.

II. Approach to enforcement from the sociological standpoint. Factory inspection is curing the disease, but not preventing it. So long as there are people who raise children as they do cattle—for the money return—there will be a child labor problem. So long as social conditions are what they are, there will be a child labor problem. We can and ought to work toward an irreducible minimum through factory inspection, but no state is doing its full duty which is not securing the facts upon which to base a rational campaign for the betterment of conditions. The National Child Labor Committee has undoubtedly done a great deal of good in this very direction. But it can never hope adequately to cover this ground. It can render

its best service, as it is doing, by awakening people to an understanding of the situation and thus securing enactment of progressively more adequate laws. Every state office vested with the control of enforcement ought to have a staff of trained and capable sociological investigators, whose duties should be primarily to secure reliable and significant data of actual conditions, the study and interpretation of such data, and incidentally evidence for prosecution in the more difficult cases. It is highly important that such a staff be composed of persons really trained for the work and not merely of likely people who want a government job.

III. More than by any other one factor is the enforcement of the law made possible by an informed and enlightened public opinion. A law is little better than the paper upon which it is written unless it has a vigorous public opinion behind it. It is not sufficient that a majority of the legislature should have voted for our bill. It is essential that there should be a growing public sentiment behind the law enacted. This is old straw, but we are still inclined to forget the principle.

Many people think they are so far doing God and the country a service in raising a large family of children that they are entitled to lie back and let the children support them as soon as the oldest one can work. It is not necessarily because they are essentially vicious and evil people, but rather because they live in a state of society, or, rather, in a little eddy of society, in which that sort of thing is felt to be just and right. We all, no doubt, know men of entirely right lives and generous impulses, and even love for children, who believe that child labor agitation is not only cranky but pernicious. Such men honestly believe it is a good thing for a boy to go to work and earn some money. They do not differentiate as to age, sex and bodily condition, but in general their argument is this: "Some of our ablest and most successful business men, some of our greatest statesmen began that way. Let the child go to work if he wants to." You must overcome that attitude of mind before your child labor law will do its work as you want it done, and when you have succeeded in educating these two classes of people and others so that they will see the iniquity and enormity of the industrial exploitation of little children, then there will not be very much need of anti-child labor laws. That is what your National Child Labor Committee is doing and is the direction in which it can do its best work. I feel

confident that all officers of the law will wish you Godspeed upon that undertaking.

IV. Better schools. In the first place make the present schools more efficient. Just in proportion as the school is efficient, attractive and inspiring to children, just in that proportion do they desire to stay in school, and they commonly win their point. Just in proportion as the school is stagnant and dreary and a grind and meaningless, children desire to get out and get to work, and they usually carry their point. There is not much use advocating industrial education until we are sure we can teach what we are doing and teach it well—say, raise the standard of efficiency of the average to what is now the highest.

Then, so far as we can establish vocations in school, let us not be ashamed nor afraid to give the whole school and all the schools a vocational bent. That is what they have been for all time anyhow. The difficulty has been and still is that they point children toward a few vocations only. So far as better schools are related to the child labor problem, I submit that they are related to it chiefly in the direction of keeping children in school longer, and at the same time giving them a right vocational pointing. Specifically, the greatest single thing the public schools can do for child labor betterment to-day is to do their part in checking over-population of cities. Our whole educational scheme has and must have a vocational bent, but it is a bent which selects for a comparatively limited number of strictly urban occupations, and, so far as it is efficient at all, directs the children in that way. Every country academy and high school in New England, to say nothing of the rest of the country, has for three generations been saying to boys: "Aspire to be something else than a countryman. Get into the city. Perhaps you can be a great lawyer or banker, and if you cannot be that you can at least run a trolley. At any rate get into the city." A shift of the proportion of urban population from 3 per cent. to over 30 per cent. in one hundred years gives food for thought. One of our best, practical means for stopping such disproportionate concentration is an adequate country school—adequate because of efficiency in the work it attempts, and adequate because it shall tend to turn our boys and girls back to the farm. Whatever scheme can stop congestion of population will destroy both the necessity and the opportunity for the industrial exploitation of children.

V. A higher standard of efficiency in all public service, but particularly in those branches related to the problem of child labor prevention. Public service of all descriptions is so closely bound together, it is exceedingly difficult to secure permanent betterment except through general raising of the standard of efficiency. Take our public school service as an illustration—a branch of the public service which is intimately connected with your work. Individually our teachers are probably as efficient as can be found anywhere. It would certainly be difficult to find more inefficient teachers than some we have. It is useless to praise the efficient or to blame the inefficient. The critical point is: have we systemic efficiency or chaos? Secure an efficient organization of public school service and you can subsequently secure anything desirable and possible of accomplishment. Until you succeed in securing efficient organization, wave after wave of entirely legitimate desire for specific improvement will beat upon your public schools and be wasted for lack of any effective means of applying their force. A condition inevitably results in which we find ourselves in a state of enthusiastic public demand for a specific improvement, as, for instance, industrial education, only to find a subsequent movement supplanting the first before it has achieved its aim. Efficient organization spells administration by experts, supervision by experts, application by experts, and, above all, discipline and *esprit de corps* throughout the working body. Secure this condition in any branch of public service and all else shall be added unto you. Without it, it will take ages of evolution to achieve what you desire.

Evidence of Results

I should like to remind you of just one other principle—the futility of cross-section views. For the last ten years we have been taking cross-sections of almost everything visible in this country, the public schools and child labor included. The cross-section view gives us only the existing situation. The existing situation is always meaningless except in the light of the past. If we learn from the present situation that we are going backward, it is evidence that we need a searching of heart and a right-about-face. But if the existing situation shows that we are getting ahead, it ought to be inspiration and encouragement to keep on. In the last two or three years there has been a vast deal of more or less alarmist declamation about the

elimination of pupils from school. We have rightly associated the facts thus given with child labor and with vocational education. It is a fair question if we have not in some quarters, at least, been guilty of leaving an old job half finished to rush off on an entirely new undertaking. It is not true that children are getting less schooling than they were five or ten or fifty years ago. On the contrary, the number of children keeping right on through school, through the high school and through college is greatly increasing every year. The enrollment of children in American secondary schools increased between 1890 and 1900 about 150 per cent. The population increase for that time was about 21 per cent. The figures for 1910 will show that this ratio of gain has been kept up.

We were recently told that the New England states were in a bad way because the percentage of children entering our public schools who finish the eight years of common school life ranges from less than 50 per cent. in Connecticut to something over 70 per cent. in Maine. The figures are probably substantially correct, but viewed as isolated facts they have no significance. When you compare them with data given by the United States Commissioner of Education in 1903 and learn that for the country as a whole about 17 per cent. of the children who entered the first grade completed the eight grades, the figures look very different. Instead of indicating a revolution as a proper method of treatment, they indicate that we should keep on. If you take the United States Commissioner's report, or the reports of any state education department, you will find that so far as we can get at any facts at all, all tend to show that the length of time during which the average American child stays in school is increasing rather more rapidly than we have any right to expect. This increase in length of schooling has affected not only the native-born, but the foreign-born child. We find scores of foreign-born boys and girls in high schools to-day where practically none could be found even a decade ago. I cite these figures for two reasons. In the first place, because we have listened to so much lamentation over the way things are going; and, secondly, because it seems to me they have a most encouraging bearing upon the work of this National Child Labor Committee and upon the work of all organizations and people devoted to the cause of giving child-life in America the widest and largest opportunity. Here is evidence of results.